

**MINUTES OF THE ZONING BOARD REGULAR  
MEETING ON MONDAY, MARCH 4, 2013, 7:00 P.M.,  
7<sup>TH</sup> FLOOR, LAND USE CONFERENCE AREA,  
STAMFORD, CONNECTICUT**

Present for the Board: Thomas Mills, Barry Michelson, Bill Morris, Audrey Cosentini and Kathleen Donahue. Present for staff: Norman F. Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Mr. Mills called the meeting to order at 7:04 p.m. Mr. Mills seated Alternate Donahue in place of absent Board Member Parson.

**REGULAR MEETING**

Mr. Michelson moved to take the agenda items out of order and to discuss the Harbor Point Cease and Desist postponement. Seconded by Mrs. Cosentini and approved, 5 to 0 with the eligible members voting (Mills, Cosentini, Michelson, Morris and Donahue).

Appl. 208-05 ANTARES HARBOR POINT, Postponement of the Appeal of the Cease & Desist Order to the Zoning Board of Appeals

Attorney James Minor discussed the ZBA date of March 27, 2013 and the need for a postponement. He discussed progress made, including the remediation on Bateman Way, the consultant report on the boatyard and the DEEP hearing held in February 2013. Attorney Minor told the Board it would not be purposeful to go forward at this time.

Mr. Michelson said BLT should withdraw the appeal. Attorney Minor said they won't agree to withdraw and surrender their rights.

Mr. Mills asked if the postponement affects the fines? Attorney Minor said no. The Board had a general discussion about how to get BLT to submit a boatyard application.

Mr. Mills said he didn't want more than a 60-day extension because membership on the Board may change. Mr. Morris said he could support a 45-day postponement. Ms. Donahue said she'd rather go 30 days than 45 days. Mr. Michelson made a motion to give 30 days to withdraw the appeal. There was Board discussion about the motion. Mr. Michelson withdrew his motion.

Ms. Donahue moved to set April 15, 2013 as the deadline by which the Applicant would submit a complete Boatyard application or withdraw their appeal to the ZBA. Mr. Michelson seconded the motion and it was approved 3:0:2 with the eligible members voting (Mills, Morris and Donahue in favor and Cosentini and Michelson abstaining).

**APPROVAL OF MINUTES:**

Mrs. Cosentini moved to postpone discussion and approval of the minutes until after the pending applications. The motion was seconded by Ms. Donahue and approved, 5 to 0 with the eligible members voting (Mills, Cosentini, Michelson, Morris and Donahue).

**PENDING APPLICATIONS:**

1. CSPR-930 – SIMONA TUDOR, AIA, LLC, 39 Beachview Drive, requesting approval to renovate an existing single family home and add approximately 576 s.f. in an R-10 zoning district.

After a brief discussion, Mr. Michelson moved to approve the application subject to EPB recommended conditions. Seconded by Mrs. Cosentini and approved, 4 to 0 with the eligible members voting (Cosentini, Michelson, Morris and Donahue in favor and Mr. Mills abstaining).

2. Application 212-30 – 467 WEST MAIN STREET ASSOCIATES, LLC, C-L zone Text change

Mr. Michelson said they accept used batteries and therefore this application should have been a Special Exception use.

Mrs. Cosentini noted the C-L zone is scattered around the City and agreed a Special Exception use should have been used.

Mr. Morris moved to approve the text change application subject to a special exception condition. The motion was seconded by Mr. Michelson and approved, 4 to 0 with the eligible members voting (Cosentini, Michelson, Morris and Donahue in favor. Mr. Mills abstaining).

3. Application 212-31 – NEWFIELD ASSOCIATES & GRADE A MARKET, INC., 563 Newfield Ave, Site and Architectural Review

Mr. Mills recused himself from voting on this application because he had not attended the hearing.

David Killeen reviewed his discussion of truck access with Attorney Cacace. Currently trucks access the loading dock from both sides. Mr. Killeen read and discussed the draft conditions.

After a brief discussion, Mr. Michelson moved to approve the application subject to the Staff drafted conditions. Seconded by Ms. Donahue and approved, 4 to 0 with the eligible members voting (Cosentini, Michelson, Morris and Donahue in favor and Mr. Mills abstaining).

4. Application 213-03 – BLCR HOLDINGS, LLC, Raveis Text change

Mr. Mills recused himself from voting on this application because he had not attended the hearing. Ms. Donahue said this application seems overly complicated to accomplish the stated purpose, and asked if there was a simpler way to do this.

Mr. Michelson said he agreed with the Planning Board referral letter to take out the words “or used”.

Mrs. Cosentini said she knew that the Juner Realty text change approval would lead to other applications and noted that some historic bonuses have been for unexceptional buildings.

Mrs. Cosentini moved to deny the text change application. Seconded by Mr. Michelson. The motion failed to carry by a vote of 1:2:1 (Cosentini in favor; Morris and Donahue opposed; Michelson abstaining).

Mr. Mills tabled further discussion of this application to the next meeting and called a brief recess at 8:30pm and called the meeting back to order at 8:40pm.

5. Application 212-16 – YALE & TOWNE SPE, LLC, 110 Towne St, (Y1) Text change  
Application 212-17 – YALE & TOWNE, SPE, LLC , 110 Towne St, (Y1)  
Amended GDP, Final Site & Architectural Plan and Coastal Site Plan Review  
(CSPR)

Mr. Cole read and reviewed the draft conditions of approval and recorded corrections recommended by the Board. After a brief discussion, Mr. Michelson moved to approve the text change application subject to modifications recommended by Mrs. Cosentini. Seconded by Ms. Donahue and approved, 4 to 0 with the eligible members voting (Mills, Cosentini, Michelson and Donahue).

After a brief discussion, Mr. Michelson moved to approve the amended GDP, Final Site & Architectural Plan and CSPR applications subject to the drafted conditions as modified by the Board. Seconded by Mrs. Cosentini and approved, 4 to 0 with the eligible members voting (Mills, Cosentini, Michelson and Donahue).

6. Application 212-27 – Yale & Towne SPE, LLC (Y3), Final Site & Architectural  
Plans and Coastal Site Plan Review

The Board tabled discussion to the next meeting.

### **APPROVAL OF MINUTES:**

Mr. Morris moved approval of the minutes of January 28, 2013 as corrected, seconded by Mr. Michelson and approved, 3 to 0 with 2 abstaining (Michelson, Morris and Donahue in favor; Cosentini and Mills abstaining).

Mr. Michelson moved approval of the minutes of February 4, 2013 as corrected, seconded by Mr. Morris and approved, 3 to 0 to 1 (Michelson, Morris and Donahue in favor; Cosentini abstaining).

### **OLD BUSINESS**

1. Administrative Approval of Signage for Stamford Hospital: Orthopedic & Spine Institute at 1 Blachley Road, in accordance with Section 9-BBBB-3.b

After a brief discussion, Mr. Michelson moved to approve the signage. Ms. Donahue seconded the motion and it was approved 5 to 0 with the eligible members voting (Mills, Cosentini, Morris, Michelson and Donahue).

2. **APPL. 208-05 ANTARES HARBOR POINT.** General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

The Board discussed various items regarding the application including the progress of the remediation efforts and fuel still being offered on Fridays but no sales. Attorney Freeman confirmed they will meet the April 1, 2013 deadline and that they will provide a map of the remediation areas.

### **NEW BUSINESS**

### **ADJOURNMENT**

There being no further business, Mr. Mills adjourned the meeting at 10:20pm.

Respectfully submitted,

Thomas R. Mills Chairman  
Stamford Zoning Board